

6-27-05

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV466143853US, in an envelope addressed to: MS Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

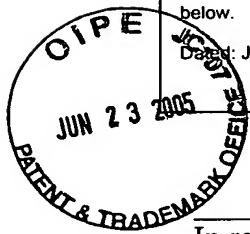
Date: June 23, 2005

Signature:

Maria Laccotripe Zacharakis, Ph.D., J.D.

Docket No.: MRI-027  
(PATENT)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Edwin Clark *et al.*

Application No.: 10/071510

Confirmation No.: 3451

Filed: February 8, 2002

Art Unit: 1642

For: NOVEL COMPOSITIONS AND METHODS  
FOR THE IDENTIFICATION, ASSESSMENT,  
PREVENTION AND THERAPY OF HUMAN  
CANCERS

Examiner: S. L. Rawlings

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed March 23, 2005.

The Examiner requires, under 35 U.S.C. §121, that Applicants elect a single disclosed species from the following:

- (a) a taxane compound;
- (b) a platinum compound; and
- (c) a combination of agents consisting of a taxane compound and a platinum compound.

Applicants hereby elect the species of **Group C**, drawn to a combination of agents consisting of a taxane compound and a platinum compound, without traverse.

It is Applicants' understanding that under 35 U.S.C. §121, because an election of a single species for prosecution on the merits is required, the claims will be restricted to this species if no

generic claim is finally held allowable. Applicants further understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*


### CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Please charge our Deposit Account No. 12-0080 under Order No. MRI-027, from which the undersigned is authorized to draw, in the amount of \$450.00 to cover the two month extension fee.

Dated: June 23, 2005

Respectfully submitted,

By 

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